

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK DISTRICT OF NEW YORK

SANTIAGO GARCIA,

Plaintiff,

VS.

SOS SECURITY, INC.,

Defendant.

Case No. 07 Civ. 8277 (AKH)

ANSWER

Defendant SOS Security, Inc., (hereinafter “SOS”) having its principal place of business at 1915 Route 46 East, Parsippany, New Jersey 07054, by its attorneys, Wolff & Samson PC, answer to the plaintiff’s complaint as follows:

PARTIES

1. SOS admits the allegation of paragraph 1 of the Complaint.
2. Answering paragraph 2 of the Complaint, SOS admits that it maintains an office at 850 Seventh Avenue, New York, New York.
3. SOS admits the allegation of paragraph 3 of the Complaint.

NATURE OF ACTION

4. SOS denies the allegations of paragraph 4 of the Complaint.
5. SOS denies the allegations of paragraph 5 of the Complaint.
6. SOS denies the allegations of paragraph 6 of the Complaint.

7. SOS is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 7 of the Complaint.

8. SOS denies the allegations of paragraph 8 of the Complaint.

9. SOS is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 9 of the Complaint.

10. SOS is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 10 of the Complaint.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

This Court does not have jurisdiction over the plaintiff's complaint.

SECOND AFFIRMATIVE DEFENSE

The allegations in the plaintiff's Complaint fail to state a claim upon which relief can be granted.

THIRD AFFIRMATIVE DEFENSE

The plaintiff's alleged right to recovery is barred, in whole or in part, by his failure to mitigate any alleged damages.

FOURTH AFFIRMATIVE DEFENSE

Any and all actions with regard to plaintiff's employment were taken in good faith and for legitimate non-discriminatory reasons unrelated to plaintiff's race, age, alleged disability or any other protected category.

FIFTH AFFIRMATIVE DEFENSE

The plaintiff's Complaint is barred or limited, in whole or in part, by the applicable statutes of limitations.

SIXTH AFFIRMATIVE DEFENSE

Some or all of the plaintiff's claims are barred to the extent that a timely Charge of Discrimination was not filed with respect to all of the claims alleged in the Complaint.

SEVENTH AFFIRMATIVE DEFENSE

The plaintiff has not exhausted the requisite administrative procedures with respect to all of the claims set forth in plaintiff's Complaint.

EIGHTH AFFIRMATIVE DEFENSE

The plaintiff's claims may be barred or preempted, in whole or in part, by the Employee Retirement Income Security Act.

NINTH AFFIRMATIVE DEFENSE

The plaintiff has failed to allege facts sufficient to give rise to a claim for punitive damages.

TENTH AFFIRMATIVE DEFENSE

SOS specifically denies the existence of any casual connection of plaintiff's alleged damages to the conduct alleged by plaintiff.

ELEVENTH AFFIRMATIVE DEFENSE

The plaintiff has suffered no lost wages or other compensation.

TWELFTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred, in whole or in part, by the equitable doctrine of laches, waiver and estoppel.

THIRTEENTH AFFIRMATIVE DEFENSE

The frivolous allegations in the plaintiff's Complaint are violative of Rule 11 of the Federal Rules of Civil Procedure.

FOURTEENTH AFFIRMATIVE DEFENSE

The allegations in the plaintiff's Complaint, in whole or in part, fail to state a cause of action upon which an award of attorneys' fees can be granted.

Dated: March 17, 2008

WOLFF & SAMSON PC
Attorneys for Defendant
SOS Security, Inc.

By: /s/ Keyana C. Laws
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the with answer was filed electronically with the Clerk, United States District Court and that I caused a copy to be delivered by hand to:

Santiago Garcia
1118 Willmohr Street, 1st Floor
Brooklyn, New York 11212
Pro Se Plaintiff

WOLFF & SAMSON PC
Attorneys for Defendant
SOS Security, Inc.

By: /s/ Keyana C. Laws
KEYANA C. LAWS

Dated: March 17, 2008